

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HARDIK PATEL,

Defendant.

Case No. 19-CR-141-1-JPS

**ORDER**

On November 18, 2019, the parties filed an amended plea agreement, indicating that Defendant had agreed to plead guilty to Count Two of the Indictment. (Docket #33). The parties appeared before Magistrate Judge Nancy Joseph that same day to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #34). Defendant entered a plea of guilty as to Count Two of the Indictment. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Joseph determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #34 and #35). Thereafter, Magistrate Judge Joseph filed a Report and Recommendation with this Court, recommending that: (1) the defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) the defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #35).

On November 25, 2019, Defendant filed a motion to withdraw his guilty plea, (Docket #37), and for his counsel to withdraw from representation, (Docket #38). The Court held a hearing on the motions on

December 11, 2019. (Docket #48). Before it would finally decide the motions, the Court directed that Defendant obtain new counsel and discuss the ramifications of withdrawing his plea. *Id.*

The Court has received word from the parties, including Defendant's new counsel, that Defendant would now like to enter his guilty plea and proceed to sentencing. The Court will, therefore, grant counsel's motion to withdraw, deny the motion to withdraw the plea, and adopt Magistrate Judge Joseph's report and recommendation. The Court directs Defendant's new counsel to enter his appearance in this case promptly.

The Court will schedule a sentencing hearing for **April 1, 2020 at 11:30 AM**. The probation department shall prepare a presentence report to be disclosed by **March 9, 2020**. Objections to the report shall be due by **March 19, 2020**, and responses to any objections shall be due by **March 26, 2020**.

Accordingly,

**IT IS ORDERED** that Defendant's counsel's motion to withdraw (Docket #38) be and the same is hereby **GRANTED**;

**IT IS FURTHER ORDERED** that Defendant's motion to withdraw his guilty plea (Docket #37) be and the same is hereby **DENIED**;

**IT IS FURTHER ORDERED** that Magistrate Judge Nancy Joseph's report and recommendation (Docket #35) be and the same is hereby **ADOPTED**;

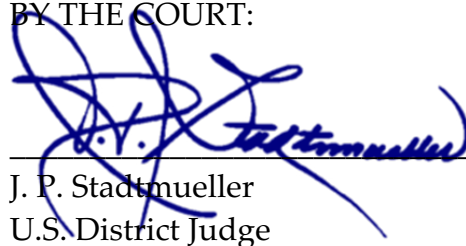
**IT IS FURTHER ORDERED** that a sentencing hearing shall be held in this matter on **April 1, 2020 at 11:30 AM**; and

**IT IS FURTHER ORDERED** that the probation department shall prepare a presentence report, to be disclosed by **March 9, 2020**. Objections

to the report shall be due by **March 19, 2020**, and responses to any objections shall be due by **March 26, 2020**.

Dated at Milwaukee, Wisconsin, this 9th day of January, 2020.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J. P. Stadtmueller", is written over a horizontal line.

J. P. Stadtmueller  
U.S. District Judge